

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**SYMBOLOGY INNOVATIONS,  
LLC,**

**Plaintiff,**

**v.**

**DEXCOM, INC.**

**Defendant.**

**Case No. 2:23-cv-473-JRG**

**Jury Trial Demanded**

**RESPONSE TO DEFENDANT'S MOOT RULE 12(c) MOTION TO DISMISS**

Plaintiff files this response in opposition to merely point out the Defendant's motion to dismiss under Rule 12(c) is premature as it is based on the pleadings, yet the pleadings may be amended, and indeed have been amended in this case. (Dkt. No. 18). As such, Defendant Dexcom's motion is premature. Additionally, Defendant Dexcom has not served its subject matter patentability contentions as of the date of this filing. Thus, Defendant Dexcom's motion is moot and should be dismissed without prejudice.

Dated: December 2, 2024

Respectfully Submitted

/s/ Randall Garteiser

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